

In the United States Court of Federal Claims

No. 25-141C

Filed: February 7, 2025

CAUSTIN L. MCLAUGHLIN,

Plaintiff,

v.

UNITED STATES,

Defendant.

ORDER

The plaintiff, Caustin L. McLaughlin, a prison inmate, filed this suit on January 23, 2025, naming as plaintiff Juan Jose Fernandez, identified in the caption as his spouse. The complaint, docketed on January 27, 2025, was accompanied by neither the filing fee nor a motion for leave to proceed *in forma pauperis* (“IFP”). Accordingly, on January 27, the plaintiff was ordered either to pay the filing fee or to move for leave to proceed IFP by February 25, 2025. On February 7, 2025, Mr. McLaughlin filed a motion to proceed IFP and an amended complaint, again on behalf of Mr. Fernandez. The two submissions were filed by order of the Court.

The amended complaint seeks money damages for alleged procedural and constitutional defects in the rejection of social security benefits. The complaint is silent as to whether Mr. McLaughlin or Mr. Fernandez was denied the benefits.¹ The complaint acknowledges that appeals of the denial of social security benefits are typically within the jurisdiction of the district courts under 42 U.S.C. § 405(g). The plaintiff proposes, however, that the additional constitutional and procedural claims give rise to jurisdiction in the Court of Federal Claims under the Tucker Act, 28 U.S.C. 1491(a), for a claim for money damages.

A federal court must determine the existence of jurisdiction before proceeding to the merits of a case. *Steel Co. v Citizens for a Better Env’t*, 523 U.S. 83, 94-95 (1998); *St. Bernard Parish Gov’t v. United States*, 916 F.3d 987, 992-93 (Fed. Cir. 2019). A plaintiff suing in the Court of Federal Claims bears the burden of establishing that jurisdiction in this court is proper. *See e.g., Fid. & Guar. Ins. Underwriters, Inc. v. United States*, 805 F.3d 1082, 1087 (Fed. Cir. 2015). Plaintiffs proceeding *pro se* bear that same burden. *Kelley v. Sec’y, U.S. Dep’t of Labor*, 812 F.2d 1378, 1389 (Fed. Cir. 1987). A court may dismiss a complaint on its own initiative if

¹ Mr. McLaughlin does not appear to be a lawyer. It is not clear that he is able to represent Mr. Fernandez as a non-lawyer. That decision must be left to a court that has jurisdiction over the complaint.

“the pleadings sufficiently evince a basis” for the court to take that action. *Anaheim Gardens v. United States*, 444 F.3d 1309, 1315 (Fed. Cir. 2006). At this stage of the case, all the nonfrivolous allegations of the complaint are assumed to be true. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Before dismissing a case over which it does not have jurisdiction, a federal court must consider transferring the case to a court that may exercise jurisdiction over the complaint. 28 U.S.C. § 1631.

The jurisdiction of the Court of Federal Claims is limited. Under the Tucker Act, the court has jurisdiction over “any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages for cases not sounding in tort.” 28 U.S.C. § 1491(a). While the Tucker Act confers jurisdiction on the court, it does not establish a substantive cause of action. Therefore, a plaintiff must also identify a separate contract, regulation, statute, or constitutional provision that supports a claim for money damages against the United States when it is violated. *Fisher v. United States*, 405 F.3d 1167, 1172 (Fed. Cir. 2005) (*en banc*).

The complaint acknowledges that the claim does not rest on a contract but purports to assert a claim “analogous to an implied contract” arising from the Social Security Act. The complaint also asserts that the defendant has illegally exacted money from the plaintiff. Additionally, the complaint asserts claims under the fifth amendment’s taking and due process provisions. Finally, the complaint asserts claims under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.*, and the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 *et seq.*

The claims founded on the Social Security Act, the ADA, and the Rehabilitation Act do not support jurisdiction in the Court of Federal Claims. By law, claims under these statutes are within the jurisdiction of the district court. *Greene v. United States*, No. 2023-1776, 2023 WL 6475429 (Fed. Cir. Oct. 5, 2023) (Social Security); *Holland v. United States*, 149 Fed. Cl. 543, 555 (2020) (ADA); *Dukes v. United States*, No. 23-908, 2023 WL 8785112, at *4 (Fed. Cl. Dec. 19, 2023) (Rehabilitation Act). Likewise, the fifth amendment’s due process clause cannot support jurisdiction in the court. *LeBlanc v. United States*, 50 F.3d 1025, 1028 (Fed. Cir. 1995).

The plaintiff otherwise has claims founded on an illegal exaction and a taking. The Court of Federal Claims has jurisdiction over these types of claims. The plaintiff, however, failed to state a plausible claim for either a taking or an illegal exaction unrelated to his social security, ADA, and Rehabilitation Act claims. In his amended complaint, the plaintiff alleges that both the taking and the illegal exaction stem from the denial of social security benefits. The Court of Federal Claims lacks jurisdiction over such a claim. *See Polonczky v. United States*, No. 17-1853C, 2018 WL 2057610, at *3 (Fed. Cl. May 3, 2018) (dismissing claim for breach of contract based on denial of social security benefits).

The plaintiff is effectively seeking judicial review of a denial of social security benefits. As the complaint acknowledges, such claims fall within the jurisdiction of the district courts. The plaintiff appears to reside in Baltimore, Maryland. Pursuant to 42 U.S.C. § 405(g), judicial review of social security decisions must be “brought in the district court of the United States for

the judicial district in which the plaintiff resides.” Under that statute and 28 U.S.C. § 1331, the United States District Court in Maryland can exercise jurisdiction over the complaint.

The plaintiff’s motion for leave to proceed IFP is **GRANTED**. Pursuant to 28 U.S.C. § 1631, the Clerk is **DIRECTED** to transfer the complaint to the United States District Court of the District of Maryland and to close the case.

It is so **ORDERED**.

s/ Richard A. Hertling

Richard A. Hertling
Judge